
By: **Delegate Weldon**

Introduced and read first time: February 13, 2004

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Child Abuse and Neglect Investigations - Parental Rights**

3 FOR the purpose of requiring a local department of social services to advise a parent
4 alleged to have abused or neglected the parent's child of the specific complaints
5 against the parent within a certain time period; requiring all employees of a
6 local department investigating child abuse and neglect allegations to be trained
7 in protecting certain rights of certain persons; and generally relating to parental
8 rights in child abuse and neglect investigations.

9 BY repealing and reenacting, with amendments,
10 Article - Family Law
11 Section 5-706
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Family Law**

17 5-706.

18 (a) Promptly after receiving a report of suspected abuse or neglect of a child
19 who lives in this State that is alleged to have occurred in this State:

20 (1) the local department or the appropriate law enforcement agency, or
21 both, if jointly agreed on, shall make a thorough investigation of a report of suspected
22 abuse to protect the health, safety, and welfare of the child or children; or

23 (2) the local department shall make a thorough investigation of a report
24 of suspected neglect to protect the health, safety, and welfare of the child or children.

25 (b) Within 24 hours after receiving a report of suspected physical or sexual
26 abuse of a child who lives in this State that is alleged to have occurred in this State,
27 and within 5 days after receiving a report of suspected neglect or suspected mental

1 injury of a child who lives in this State that is alleged to have occurred in this State,
2 the local department or the appropriate law enforcement agency shall:

3 (1) see the child;

4 (2) attempt to have an on-site interview with the child's caretaker;

5 (3) decide on the safety of the child, wherever the child is, and of other
6 children in the household; [and]

7 (4) decide on the safety of other children in the care or custody of the
8 alleged abuser; AND

9 (5) ADVISE THE ALLEGED ABUSER OR NEGLECTER OF THE SPECIFIC
10 COMPLAINTS MADE AGAINST THE INDIVIDUAL, IF THE ALLEGED ABUSER OR
11 NEGLECTER IS THE CHILD'S PARENT.

12 (c) The investigation under subsection (b) of this section shall include:

13 (1) a determination of the nature, extent, and cause of the abuse or
14 neglect, if any;

15 (2) if mental injury is suspected, an assessment by two of the following:

16 (i) a licensed physician, as defined in § 14-101 of the Health
17 Occupations Article;

18 (ii) a licensed psychologist, as defined in § 18-101 of the Health
19 Occupations Article; or

20 (iii) a licensed social worker, as defined in § 19-101 of the Health
21 Occupations Article; and

22 (3) if the suspected abuse or neglect is verified:

23 (i) a determination of the identity of the person or persons
24 responsible for the abuse or neglect;

25 (ii) a determination of the name, age, and condition of any other
26 child in the household;

27 (iii) an evaluation of the parents and the home environment;

28 (iv) a determination of any other pertinent facts or matters; and

29 (v) a determination of any needed services.

30 (d) On request by the local department, the local State's Attorney shall assist
31 in an investigation under subsections (b) and (c) of this section.

1 (e) The local department, the appropriate law enforcement agencies, the
2 State's Attorney within each county and Baltimore City, the department's office
3 responsible for child care regulation, and the local health officer, shall enter into a
4 written agreement that specifies standard operating procedures for the investigation
5 under subsections (b) and (c) of this section and prosecution of reported cases of
6 suspected abuse.

7 (f) (1) The agencies responsible for investigating reported cases of suspected
8 sexual abuse, including the local department, the appropriate law enforcement
9 agencies, and the local State's Attorney, shall implement a joint investigation
10 procedure for conducting joint investigations of sexual abuse under subsections (b)
11 and (c) of this section.

12 (2) The joint investigation procedure shall:

13 (i) include appropriate techniques for expediting validation of
14 sexual abuse complaints;

15 (ii) include investigation techniques designed to:

16 1. decrease the potential for physical harm to the child; and

17 2. decrease any trauma experienced by the child in the
18 investigation and prosecution of the case; and

19 (iii) establish an ongoing training program for personnel involved in
20 the investigation or prosecution of sexual abuse cases.

21 (g) (1) To the extent possible, an investigation under subsections (b) and (c)
22 of this section shall be completed within 10 days after receipt of the first notice of the
23 suspected abuse or neglect by the local department or law enforcement agencies.

24 (2) An investigation under subsections (b) and (c) of this section which is
25 not completed within 30 days shall be completed within 60 days of receipt of the first
26 notice of the suspected abuse or neglect.

27 (h) Within 10 days after the local department or law enforcement agency
28 receives the first notice of suspected abuse of a child who lives in this State that is
29 alleged to have occurred in this State, the local department or law enforcement
30 agency shall report to the local State's Attorney the preliminary findings of the
31 investigation.

32 (i) Within 5 business days after completion of the investigation of suspected
33 abuse of a child who lives in this State that is alleged to have occurred in this State,
34 the local department and the appropriate law enforcement agency, if that agency
35 participated in the investigation, shall make a complete written report of its findings
36 to the local State's Attorney.

1 (j) Promptly after receiving a report of suspected abuse or neglect of a child
2 who lives in this State that is alleged to have occurred outside of this State, the local
3 department shall:

4 (1) forward the report to the appropriate agency outside of this State
5 that is authorized to receive and investigate reports of suspected abuse or neglect;

6 (2) cooperate to the extent requested with the out-of-state agency
7 investigating the report; and

8 (3) if determined appropriate by the local department:

9 (i) interview the child to assess whether the child is safe; and

10 (ii) provide services to the child and the child's family.

11 (K) ALL EMPLOYEES OF A LOCAL DEPARTMENT INVESTIGATING CHILD ABUSE
12 AND NEGLECT ALLEGATIONS AGAINST A PARENT SHALL BE TRAINED IN
13 PROTECTING THE CONSTITUTIONAL RIGHTS OF THE CHILD AND THE PARENT.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2004.